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PATENT
Attorney Docket No. 03715-0062-01
Customer Number 22,852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Brigitte GICQUEL et al.)
)
Serial No.: 09/855,604) Group Art Unit: Not Yet Assigned
)
Filed: May 16, 2001) Examiner: Not Yet Assigned
)
For: POLYPEPTIDE NUCLEIC SEQUENCES EXPORTED FROM MYCOBACTERIA,
VECTORS COMPRISING SAME AND USES FOR DIAGNOSING AND
PREVENTING TUBERCULOSIS

Assistant Commissioner for Patents
Washington, DC 20231

Attention: **BOX MISSING PARTS**

Sir:

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MAY 06 2002
OFFICE OF PETITIONS

**PETITION FOR FILING DECLARATION
UNDER 37 C.F.R. § 1.47 - NON-SIGNING INVENTOR**

Applicants hereby petition that the attached Declaration, executed by inventors Brigitte Gicquel, Denis Portnoï, Eng-Mong Lim, Vladimir Pelicic, and Agnès Guigueno, be accepted by the U.S. Patent and Trademark Office on behalf of themselves and non-signing inventor Yves Goguet de la Salmonière. The required fee of \$130.00 under 37 C.F.R. § 1.17(i) is attached hereto.

The circumstances surrounding the inability to obtain inventor Yves Goguet de la Salmonière's signature on the attached Declaration, as well as inventor Goguet de la Salmonière's last known address, are set forth in the accompanying Declaration of Mme. Danielle Berneman, head of the Patents and Inventions Office of Institut Pasteur, Assignee of this invention.

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05/03/2002 YPOLITE1 00000099 060916 09855604
01 FC:122 130.00 CH

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 2, 2002

By: Sean Myers-Payne
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Assistant Commissioner for Patents
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Attention: **BOX MISSING PARTS**

Sir:

DECLARATION IN ACCORDANCE WITH 37 C.F.R. § 1.47(a)

I, Danielle Berneman, do hereby make the following declaration:

1. I am head of the Patents and Inventions Office of Institut Pasteur, one of the two Assignees of this patent application.
2. Institut Pasteur is responsible for prosecution of this patent application.
3. The invention described in this application was made by Brigitte Gicquel, Denis Portnoi, Eng-Mong Lim, Vladimir Pelicic, Agnès Guigeno, and Yves Goguet de la Salmonière.
4. The last known address of Mr. Goguet de la Salmonière is:

30 rue de Lourmel
75015 Paris
France
5. I am the person at Institut Pasteur who is responsible for ensuring that the inventors execute the Oath or Declaration for U.S. patent applications.

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6. I forwarded a package, including the entire application and an oath/declaration, to Mr. Goguet de la Salmonière at his last known address on February 7, 2002, for his review and execution.

7. I received from the French post the returned package, with "NHPAI" handwritten on the package. "NHPAI" stands for "N'Habite Plus à l'Adresse Indiquée," which translates into "does not live at the indicated address."

8. I am not aware of a new address for Mr. Goguet de la Salmonière.

9. Attached is a copy of the communication referred to in paragraph 6 (including an English translation), and two copies of the French post receipt, in different levels of darkness, so that the various writing on the receipt can be interpreted.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements might jeopardize the validity of the application or any patent issuing thereon.

Date: April 2nd 2002 By: 

Danielle Berneman
Head of Patents and Inventions Office
Institut Pasteur
28 Rue du Docteur Roux
75724 Paris Cedex 15
FRANCE

Danielle BERNEMAN
Chef du Service des Brevets
& Inventions



INSTITUT PASTEUR

25-28, rue du Docteur Roux
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Paris,

- 7 FEVR 2002

INSTITUT PASTEUR

Service des Brevets et Inventions

Monsieur Yves GOGUET de la SALMONIERE
30 rue de Lourmel
75015 - PARIS

Lettre recommandée avec accusé réception

DB/EB/NC-02/0251

Objet : Banque génomique de Mycobacterium Tuberculosis
Invention GICQUEL et al
DI 97-25 et 98-31

Cher Monsieur,

Nous revenons vers vous concernant l'invention citée en objet et plus particulièrement concernant la demande US 855604 correspondant à la demande internationale PCT/FR98/01813 déposé le 14/08/1998.

Afin d'éviter la perte des droits attachés à cette invention, nous vous adressons sous ce pli :

- une copie du texte tel que déposé de la demande internationale,
- une copie du texte tel que déposé de la demande US 855604,
- un nouveau jeu de documents (cession CANADA et USA et déclaration) que je vous remercie de bien vouloir dater et signer.

Ces documents devant être déposés devant les Offices concernés, au plus tard le 22 février 2002, je vous serais reconnaissante de bien vouloir me les retourner au plus tard le 19 février 2002.

Je vous prie de croire, Cher Monsieur, à l'assurance de ma considération distinguée.

Danielle BERNEMAN
Chef du Service des Brevets et Inventions

PJ : 3

Direction de la Valorisation Cc : B. Gicquel
et des Partenariats Industriels E. Bonnefoi

Paris, 7 February 2002

INSTITUT PASTEUR

Patents and Inventions Department

Monsieur Yves GOGUET de la SALMONIERE
30, rue de Lourmel
75015 PARIS

Registered letter with acknowledgment receipt

DB/EB/NC-02/0251

Object : Mycobacterium Tuberculosis genomic bank
Invention GICQUEL et al.
DI -25 and 98-31

Dear Sir,

We revert to you concerning the above-cited invention and more particularly concerning the patent application US 855604 corresponding to the international patent application PCT/FR/ filed on 08/14/1998.

In order to avoid the loss of rights attached to this invention, you will find herewith enclosed :

- a copy of the text as filed of the international patent application,
- a copy as filed of the US 85560 patent application,
- a new set of documents (USA and CANADA assignment and statement) and thank you to duly date and sign.

These documents must be filed before the concerned Patent Offices by February 22, 2002, I would be grateful to return them to me by February 19, 2002.

Yours faithfully.

Danielle BERNEMAN
Chief of the Patents and Inventions Department

P.J. : 3

Cc : B. Gicquel
E. Bonnefoi